

EXHIBIT L

Generated on: This page was generated by TSDR on 2013-07-03 16:00:03 EDT

Mark: CRÈME DE LYS

CRÈME DE LYS

US Serial Number: 85045359
 US Registration Number: 3890298
 Filed as TEAS Plus: Yes
 Register: Principal
 Mark Type: Trademark
 Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
 Status Date: Dec. 14, 2010
 Publication Date: Sep 28, 2010

Application Filing Date: May 21, 2010
 Registration Date: Dec. 14, 2010
 Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: CRÈME DE LYS
 Standard Character Claim: Yes The mark consists of standard characters without claim to any particular font style, size, or color.
 Mark Drawing Type: 4 - STANDARD CHARACTER MARK
 Translation: The English translation of the words "CRÈME DE LYS" in the mark is "CREAM OF THE LILY".

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services

- Brackets [] indicate deleted goods/services.
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks * * identify additional (new) wording in the goods/services

For: Alcoholic beverages except beers

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 02, 2010

Use in Commerce: Aug. 02, 2010

Basis Information (Case Level)

| | | |
|--------------------|------------------------|-----------------|
| Filed Use: No | Currently Use: Yes | Amended Use: No |
| Filed ITU: Yes | Currently ITU: No | Amended ITU: No |
| Filed 44D: No | Currently 44D: No | Amended 44D: No |
| Filed 44E: No | Currently 44E: No | Amended 44E: No |
| Filed 66A: No | Currently 66A: No | |
| Filed No Basis: No | Currently No Basis: No | |

Current Owner(s) Information

Owner Name: Diageo Chateau & Estate Wines Company
 Owner Address: 240 Gateway Road West
 Napa, CALIFORNIA 94558
 UNITED STATES
 Legal Entity Type: CORPORATION
 State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney Name: Diageo Plural
 Attorney Primary Email Address: trademarks@diageo.com
 Attorney of Record
 Attorney Email Authorized: No
 Correspondent

DCE015675

Correspondent DIANE PLAUT
Name/Address: DIAGEO NORTH AMERICA, INC
 801 MAIN AVE
 NORWALK, CONNECTICUT 06851-1127
 UNITED STATES

Phone: 203-228-2100

Fax: 203-845-5525

Correspondent e-mail: trademarks@diageo.com

**Correspondent e-mail No
 Authorized:**

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|----------------------|
| Apr. 26, 2012 | NOTICE OF SUIT | |
| Dec. 14, 2010 | REGISTERED-PRINCIPAL REGISTER | |
| Sep. 28, 2010 | OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED | |
| Sep. 28, 2010 | PUBLISHED FOR OPPOSITION | |
| Aug. 26, 2010 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 70468 |
| Aug. 25, 2010 | ASSIGNED TO LIE | 70468 |
| Aug. 10, 2010 | NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED | |
| Aug. 09, 2010 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Aug. 09, 2010 | USE AMENDMENT ACCEPTED | 82088 |
| Aug. 07, 2010 | AMENDMENT TO USE PROCESSING COMPLETE | 88889 |
| Aug. 07, 2010 | USE AMENDMENT FILED | 88889 |
| Aug. 06, 2010 | TEAS AMENDMENT OF USE RECEIVED | |
| Aug. 06, 2010 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Aug. 06, 2010 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| Aug. 06, 2010 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Aug. 06, 2010 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Jul. 12, 2010 | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 6325 |
| Jul. 12, 2010 | NON-FINAL ACTION E-MAILED | 6325 |
| Jul. 12, 2010 | NON-FINAL ACTION WRITTEN | 82088 |
| Jul. 09, 2010 | ASSIGNED TO EXAMINER | 82088 |
| May 26, 2010 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| May 25, 2010 | NEW APPLICATION ENTERED IN TRAM | |

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec 14, 2010

DCE015676

Case3:11-cv-05639-MEJ Document4 Filed11/22/11 Page1 of 1

AO 120 (Rev. 2/99)

| | |
|---|---|
| TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
|---|---|

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☐ Patents or ☒ Trademarks:

| | | |
|---------------------------------------|--------------------------------|--|
| DOCKET NO. CV 11-05639 MEJ | DATE FILED 11/21/11 | U.S. DISTRICT COURT Northern District of California |
| PLAINTIFF JACKSON FAMILY WINES INC | | DEFENDANT DIAGEO NORTH AMERICA INC |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 2,393,573 | | |
| 2 3,890,298 | | |
| 3 | | |
| 4 | | |
| 5 | | |

In the above—entitled case, the following patent(s) have been included:

| | | | |
|----------------------------|---|-------------------------------|--|
| DATE INCLUDED | INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading | | |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

In the above—entitled case, the following decision has been rendered or judgement issued:

| |
|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

| | | |
|-----------------------------|-------------------------------------|---------------------------|
| CLERK Richard W. Wieking | (BY) DEPUTY CLERK Gloria Acevedo | DATE November 22, 2011 |
|-----------------------------|-------------------------------------|---------------------------|

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

DCE015677

1 COOLEY LLP
2 JOHN W. CRITTENDEN (CA #101634)
3 101 California Street, 5th Floor
4 San Francisco, CA 94111-5800
5 Telephone: (415) 693-2000
6 Facsimile: (415) 693-2222

**ORIGINAL
FILED**

NOV 21 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

7 COOLEY LLP
8 PETER J. WILLSEY (pro hac vice pending)
9 NISHAN KOTTAHACHCHI (CA #221612)
10 777 6th Street, NW
11 Washington, DC 20001
12 Telephone: (202) 842-7800
13 Facsimile: (202) 842-7899

14 Attorneys for Plaintiffs
15 Jackson Family Wines, Inc. and LC TM Holdings LLC

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18
19
20
21
22
23
24
25
26
27
28

JACKSON FAMILY WINES, INC. and LC
TM HOLDINGS, LLC,

Plaintiffs,

v.

DIAGEO NORTH AMERICA, INC. and
DIAGEO CHATEAU & ESTATE WINES
CO.,

Defendants.

CV 11

5639

Case No.

COMPLAINT FOR:

**(1) FEDERAL TRADEMARK
INFRINGEMENT UNDER 15 U.S.C.
§1114;**

**(2) UNFAIR COMPETITION AND
FALSE DESIGNATION OF ORIGIN
UNDER 15 U.S.C. §1125**

**(3) TRADEMARK DILUTION
UNDER CAL. BUS. & PROF. CODE
§14247**

**(4) UNFAIR COMPETITION UNDER
CAL. BUS. & PROF. CODE §17200,
ET SEQ.**

DEMAND FOR JURY TRIAL

1 and Monterey. As a result of their efforts and acclaimed wine making, Plaintiffs' wines are
 2 widely considered by consumers and industry experts to be among the finest in the United States.

3 11. LA CREMA® wines are distributed in all 50 states in the United States.

4 12. Since at least as early as October of 1987, Plaintiffs have continuously used the
 5 inherently distinctive trademark LA CREMA® to market and sell their wines throughout the
 6 United States.

7 13. Plaintiffs have devoted substantial time, effort, and resources to the development
 8 and extensive promotion of the LA CREMA® trademark and the wines offered thereunder. As a
 9 result of Plaintiffs' efforts and the superior quality of the wines offered under the LA CREMA®
 10 trademark, the public has come to recognize and rely upon the LA CREMA® trademark as an
 11 indication of high quality wines and the LA CREMA® trademark enjoys substantial goodwill in
 12 the marketplace and is a valuable asset of Plaintiffs.

13 14. On October 10, 2000, the United States Patent & Trademark Office ("PTO")
 14 issued U.S. Trademark Registration No. 2,393,573 for the mark LA CREMA in connection with
 15 "wines" (the "LA CREMA registration"), which is currently owned by LC TM. A true and
 16 correct copy of the LA CREMA registration certificate is attached as Exhibit A.

17 15. The LA CREMA registration is in full force and effect on the PTO's Principal
 18 Register and gives rise to presumptions in favor of LC TM with respect to validity, ownership,
 19 and exclusive rights to use the LA CREMA® mark throughout the United States.

20 16. LC TM filed affidavits under Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§
 21 1058 and 1065, and the LA CREMA registration is incontestable.

22 17. LA CREMA® wines are enormously popular and have received numerous
 23 accolades and awards over the years.

24 18. LA CREMA® wines have annually outsold all other Chardonnays and Pinot Noirs
 25 priced over \$15 in the United States since 2002. Currently, LA CREMA® Chardonnay is the #1
 26 selling Chardonnay priced above \$12 and LA CREMA® Pinot Noir is the #1 selling Pinot Noir
 27 priced above \$11 in the United States.

1 19. The LA CREMA® Chardonnay and Pinot Noir wines have been ranked among the
2 top 10 most popular wines by *Wine & Spirits Magazine* since 2002. In April 2011, *Wine &*
3 *Spirits Magazine* named LA CREMA® the second most popular Pinot Noir, the fourth most
4 popular Chardonnay, and the fifth best selling wine brand in America's restaurants.

5 20. LA CREMA® also receives widespread attention from third party wine critics and
6 media. Since 1992, LA CREMA® Chardonnay and Pinot Noirs have received over thirty scores
7 of 90 points or above from leading wine publications. In 2011 alone, LA CREMA® Chardonnay
8 and Pinot Noirs were awarded at least six scores of 90 points or above by *Wine Enthusiast*
9 magazine and at least four scores of 90 points or above from the *Wine Advocate* newsletter.

10 21. As a result of Plaintiffs' widespread use of the LA CREMA® mark in the United
11 States, extensive advertising and promotion of the wines sold in connection with the LA
12 CREMA® trademark, and the continuous and unsolicited media coverage, the LA CREMA®
13 trademark enjoys a high degree of consumer recognition and has become a famous mark.

14 **DEFENDANTS' USE OF THE CRÈME DE LYS TRADEMARK**

15 22. Defendants use the mark CRÈME DE LYS in connection with wines that compete
16 directly with Plaintiffs' LA CREMA® wines.

17 23. The CRÈME DE LYS trademark is highly similar to the LA CREMA® trademark,
18 given that the term CRÈME is the dominant portion of the CRÈME DE LYS trademark and the
19 term CREMA is the dominant portion of the LA CREMA® trademark. The English translation
20 of both CRÈME and CREMA is "cream." Further, Defendants use a larger font for the term
21 CRÈME than the terms DE LYS on their wine bottles, as shown by the side by side comparison
22 of Plaintiffs' and Defendants' respective wines attached as Exhibit B, which further emphasizes
23 the "cream" portion of the mark. The trade dress adopted by Defendants for their CRÈME DE
24 LYS wine labels is also strikingly similar to the trade dress first adopted by Plaintiffs for their LA
25 CREMA® wine labels in terms of color, font, and design. Defendants' use of a parchment
26 colored label and an all capital letter dark colored font for the brand name is highly reminiscent of
27 the LA CREMA® label and further causes the overall commercial impression of the CRÈME DE
28 LYS trademark to appear highly similar to the LA CREMA® trademark.

1 24. The CRÈME DE LYS trademark is nothing more than a knockoff of the LA
2 CREMA® trademark. Plaintiffs are informed and believe, and on that basis allege, that
3 Defendants adopted the CRÈME DE LYS trademark with the intention of capitalizing on the
4 fame of the LA CREMA® trademark, particularly with respect to the Pinot Noir and Chardonnay
5 wine varietals – products for which LA CREMA® is the market leader in sales.

6 25. Plaintiffs are informed and believe, and on that basis allege, that Defendants
7 adopted the confusingly similar CRÈME DE LYS mark in an attempt to falsely associate their
8 wines with Plaintiffs in order to trade on the substantial and valuable goodwill that Plaintiffs have
9 built in the marketplace under the famous LA CREMA® trademark.

10 26. On December 14, 2010, the PTO issued to DCEW U.S. Trademark Registration
11 No. 3,890,298 for the mark CRÈME DE LYS in connection with “alcoholic beverages except
12 beers” (the “CRÈME DE LYS registration”). The CRÈME DE LYS registration claims a first
13 use date of August 2, 2010. A true and correct copy of the CRÈME DE LYS registration
14 certificate is attached as Exhibit C.

15 27. Defendants’ CRÈME DE LYS wines are offered through the same marketing and
16 trade channels and to the same target customers as Plaintiffs’ LA CREMA® wines. For example,
17 both Plaintiffs’ LA CREMA® wines and Defendants’ CRÈME DE LYS wines frequently appear
18 together on restaurant wine lists, as shown on Exhibit D, where Plaintiffs’ and Defendants’ wines
19 comprise half of the Chardonnay selection at two different restaurants in Sonoma, California and
20 Brentwood, California. In addition, Plaintiffs and Defendants have the same broker or distributor
21 of their respective wine products in at least twenty states; thus, Plaintiffs’ and Defendants’ wine
22 products are even more likely to appear in the same stores and restaurants in those states.

23 28. Plaintiffs began using the LA CREMA® trademark over twenty years prior to
24 Defendants’ adoption of the confusingly similar CRÈME DE LYS trademark. Furthermore,
25 Plaintiffs obtained a U.S. registration for the LA CREMA trademark ten years prior to
26 Defendants’ adoption of the confusingly similar CRÈME DE LYS trademark. The LA
27 CREMA® trademark also acquired recognition in the consuming public and became famous well
28 prior to Defendants’ use of the CRÈME DE LYS trademark.

37. Plaintiffs reallege and incorporate herein by reference paragraphs 1 through 36 of this Complaint as if fully set forth here.

1 38. The LA CREMA® trademark is an inherently distinctive, strong, valid, and
2 protectable trademark owned by Plaintiffs.

3 39. Plaintiffs are informed and believe, and on that basis allege, that Defendants have
4 marketed and sold in commerce wines bearing the confusingly similar CRÈME DE LYS
5 trademark.

6 40. Defendants' use of the CRÈME DE LYS trademark in connection with their wine
7 products is likely to cause confusion, mistake, or deception as to the source or sponsorship of the
8 products and/or is likely to lead the consuming public to believe that Plaintiffs have authorized,
9 approved, or somehow sponsored Defendants' wine products.

10 41. The actions of Defendants described above and specifically, without limitation, the
11 Defendants' use of the confusingly similar CRÈME DE LYS trademark on their wines constitutes
12 trademark infringement in violation of 15 U.S.C. § 1114.

13 42. Plaintiffs have been, and will continue to be, damaged and irreparably harmed by
14 the actions of the Defendants, which will continue unless Defendants are enjoined by this Court.
15 Plaintiffs have no adequate remedy at law in that the amount of damage to Plaintiffs' business
16 and reputation and the diminution of the goodwill of the LA CREMA® trademark is difficult to
17 ascertain with specificity. Plaintiffs are therefore entitled to injunctive relief pursuant to 15
18 U.S.C. § 1116.

19 43. Plaintiffs are entitled to recover damages in an amount to be determined at trial
20 and the profits made by Defendants on the sales of CRÈME DE LYS wine products.
21 Furthermore, Plaintiffs are informed and believe, and on that basis alleges, that the actions of
22 Defendants were undertaken willfully and with the intention of causing confusion, mistake, and
23 deception, making this an exceptional case entitling Plaintiffs to recover treble damages,
24 reasonable attorneys' fees, and costs pursuant to 15 U.S.C. § 1117, as well as prejudgment
25 interest.

SECOND CAUSE OF ACTION

FEDERAL UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN

UNDER 15 U.S.C. § 1125

44. Plaintiffs reallege and incorporate herein by this reference paragraphs 1 through 43 of this Complaint as if fully set forth here.

45. Defendants have used in commerce and without Plaintiffs' authorization or consent the CRÈME DE LYS trademark in connection with wines, and the CRÈME DE LYS trademark is highly similar to the registered and common law LA CREMA trademark.

46. Defendants' actions as described herein are likely to cause confusion and deception among the consuming public and is likely to lead the consuming public to believe that Plaintiffs have authorized, approved, or somehow sponsored Defendants' use of the CRÈME DE LYS trademark in connection with wines.

47. Defendants' actions constitute unfair competition and false designation of origin in violation of 15 U.S.C. § 1125(a).

48. Plaintiffs have been, and will continue to be, damaged and irreparably harmed by the actions of the Defendants, which will continue unless Defendants are enjoined by this Court. Plaintiffs have no adequate remedy at law in that the amount of damage to Plaintiffs' business and reputation and the diminution of the goodwill of the LA CREMA® trademark is difficult to ascertain with specificity. Plaintiffs are therefore entitled to injunctive relief pursuant to 15 U.S.C. § 1116.

49. Plaintiffs are entitled to recover damages in an amount to be determined at trial and profits made by Defendants on the sales of CRÈME DE LYS wines. Furthermore, Plaintiffs are informed and believe, and on that basis alleges, that the actions of Defendants were undertaken willfully and with the intention of causing confusion, mistake, deception, making this an exceptional case entitling Plaintiffs to recover treble damages, reasonable attorneys' fees, and costs pursuant to 15 U.S.C. § 1117, as well as prejudgment interest.

1 **THIRD CAUSE OF ACTION**

2 **TRADEMARK DILUTION UNDER CAL. BUS. & PROF. CODE § 14247**

3 50. Plaintiffs reallege and incorporate herein by this reference paragraphs 1 through 49
4 of this Complaint as if fully set forth here.

5 51. The LA CREMA trademark is distinctive and famous within the meaning of Cal.
6 Bus. & Prof. Code § 14247.

7 52. Defendants' use of the CRÈME DE LYS trademark began after the LA CREMA
8 trademark became famous.

9 53. Defendants continued use of the CRÈME DE LYS trademark is likely to cause
10 injury to Plaintiffs' business and reputation and the dilution of the distinctive quality of Plaintiffs'
11 famous LA CREMA trademark in violation of Cal. Bus. & Prof. Code § 14247.

12 54. Plaintiffs have been, and will continue to be, damaged and irreparably harmed by
13 the actions of the Defendants, which will continue unless Defendants are enjoined by this Court.
14 Plaintiffs have no adequate remedy at law in that the amount of damage to Plaintiffs' business
15 and reputation and the diminution of the goodwill of the LA CREMA® trademark is difficult to
16 ascertain with specificity. Plaintiffs' are therefore entitled to injunctive relief pursuant to Cal.
17 Bus. & Prof. Code § 14247.

18 55. On information and belief, the actions of Defendants described herein were and
19 continue to be deliberate and willful. Plaintiffs are therefore entitled to recover damages in an
20 amount to be determined at trial, profits made by Defendants on the sales of their wine products,
21 and the costs of this action pursuant to Cal. Bus. & Prof. Code §§ 14247 and 14250.

22 **FOURTH CAUSE OF ACTION**

23 **UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE § 17200, *ET SEQ.***

24 56. Plaintiffs reallege and incorporate herein by this reference paragraphs 1 through 55
25 of this Complaint as if fully set forth here.

26 57. By the acts described herein, Defendants have engaged in unlawful and unfair
27 business practices that have injured and will continue to injure Plaintiffs' business and property in
28 violation of Cal. Bus. & Prof. Code § 17200, *et seq.*

1 under the laws of the State of California, Cal. Bus. & Prof. Code § 14247;

2 G. That Plaintiffs be awarded Defendants' profits derived by reason of said acts, or as
3 determined by said accounting;

4 H. That Plaintiffs be awarded three times Defendants' profits and three times of all
5 Plaintiffs' damages, suffered as a result of Defendants' willful, intentional, and deliberate acts in
6 violation of the Lanham Act, as well as Plaintiffs' costs, attorneys' fees, and expenses in this suit
7 under 15 U.S.C. § 1117;

8 I. That Plaintiff be awarded damages in an amount sufficient to compensate it for the
9 damage caused by Defendants' unfair competition under Cal. Bus. & Prof. Code §§ 17200 *et seq.*;

10 J. That Plaintiffs be awarded three times Defendants' profits and three times
11 Plaintiffs' damages suffered as a result of the willful, intentional, and deliberate acts in violation
12 of Cal. Bus. & Prof. Code §§ 14247 and 14250;

13 K. That the United States Patent and Trademark Office be ordered to cancel U.S.
14 Trademark Registration No. 3,890,298 for the mark CRÈME DE LYS;

15 L. That Plaintiffs be granted prejudgment and post judgment interest;

16 M. That Plaintiffs be granted costs associated with the prosecution of this action; and

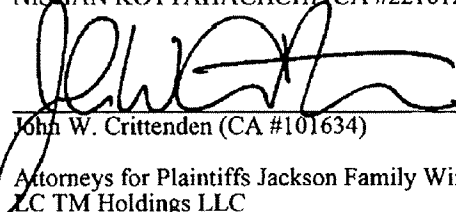
17 N. That Plaintiffs be granted such further relief as the Court may deem just and
18 equitable.

19 **DEMAND FOR JURY TRIAL**

20 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a
21 trial by jury of all issues triable of right by a jury.

1 Dated: November 21, 2011

2
3 COOLEY LLP
4 JOHN W. CRITTENDEN (CA #101634)
5 PETER J. WILLSEY (pro hac vice pending)
6 NISHAN KOTTAHACHCHI (CA #221612)

7 
8 John W. Crittenden (CA #101634)

9 Attorneys for Plaintiffs Jackson Family Wines, Inc. and
10 LC TM Holdings LLC
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States of America

United States Patent and Trademark Office

CRÈME DE LYS

Reg. No. 3,890,298

Registered Dec. 14, 2010

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DIAGEO CHATEAU & ESTATE WINES COMPANY (CALIFORNIA CORPORATION)
240 GATEWAY ROAD WEST
NAPA, CA 94558

FOR ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49)

FIRST USE: 8-2-2010, IN COMMERCE 8-2-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF THE WORDS "CRÈME DE LYS" IN THE MARK IS "CREAM OF THE LILY".

SER. NO. 85-045,359, FILED 5-21-2010

JANICE KIM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, September 28, 2010 00:37 AM
To: trademarks@diageo.com
Subject: Official USPTO Notice of Publication: Serial Number 85045359

NOTICE OF PUBLICATION

Serial Number: 85-045,359
Mark: CRÈME DE LYS(STANDARD CHARACTER MARK)
International Class(es): 033
Applicant: Diageo Chateau & Estate Wines Company
Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette* (OG) on Sep 28, 2010. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a certificate of registration should issue.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20100928_OG.pdf#page=1
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-045,359, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.

Trademark Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

| | | | |
|---------------|-------------|---------------|------------|
| SERIAL NUMBER | 85045359 | FILING DATE | 05/21/2010 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | KIM, JANICE | L.O. ASSIGNED | 103 |

PUB INFORMATION

| | | | |
|----------------------|---------------------------------------|--------------------|-----|
| RUN DATE | 08/27/2010 | | |
| PUB DATE | 09/28/2010 | | |
| STATUS | 681-PUBLICATION/ISSUE REVIEW COMPLETE | | |
| STATUS DATE | 08/26/2010 | | |
| LITERAL MARK ELEMENT | CRÈME DE LYS | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | NO | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | NO | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | YES | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|--------------|
| STANDARD CHARACTER MARK | YES |
| LITERAL MARK ELEMENT | CRÈME DE LYS |

| | |
|--------------------|---------------------------|
| MARK DRAWING CODE | 4-STANDARD CHARACTER MARK |
| COLOR DRAWING FLAG | NO |

CURRENT OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Diageo Chateau & Estate Wines Company |
| ADDRESS | 240 Gateway Road West Napa, CA 94558 |
| ENTITY | 03-CORPORATION |
| CITIZENSHIP | California |

GOODS AND SERVICES

| | |
|---------------------|----------------------------------|
| INTERNATIONAL CLASS | 033 |
| DESCRIPTION TEXT | Alcoholic beverages except beers |

GOODS AND SERVICES CLASSIFICATION

| | | | | | | | |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|
| INTERNATIONAL CLASS | 033 | FIRST USE DATE | 08/02/2010 | FIRST USE IN COMMERCE DATE | 08/02/2010 | CLASS STATUS | 6-ACTIVE |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|

MISCELLANEOUS INFORMATION/STATEMENTS

| | |
|------------------------|---|
| CHANGE IN REGISTRATION | NO |
| TRANSLATION | The English translation of the words "CRÈME DE LYS" in the mark is CREAM OF THE LILY. |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|--|---------|
| 08/26/2010 | PREV | O | LAW OFFICE PUBLICATION REVIEW COMPLETED | 018 |
| 08/25/2010 | ALIE | A | ASSIGNED TO LIE | 017 |
| 08/10/2010 | AAUA | E | NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED | 016 |
| 08/09/2010 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 015 |
| 08/09/2010 | IUAA | P | USE AMENDMENT ACCEPTED | 014 |
| 08/07/2010 | AUPC | I | AMENDMENT TO USE PROCESSING COMPLETE | 013 |
| 08/07/2010 | IUAF | S | USE AMENDMENT FILED | 012 |
| 08/06/2010 | EAAU | I | TEAS AMENDMENT OF USE RECEIVED | 011 |
| 08/06/2010 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 010 |

| | | | | |
|------------|------|---|--|-----|
| 08/06/2010 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 009 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 008 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 007 |
| 07/12/2010 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 006 |
| 07/12/2010 | GNRT | F | NON-FINAL ACTION E-MAILED | 005 |
| 07/12/2010 | CNRT | R | NON-FINAL ACTION WRITTEN | 004 |
| 07/09/2010 | DOCK | D | ASSIGNED TO EXAMINER | 003 |
| 05/26/2010 | NWOS | I | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | 002 |
| 05/25/2010 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |

CURRENT CORRESPONDENCE INFORMATION

| | |
|-------------------------|---|
| ATTORNEY | Diane Plaut |
| CORRESPONDENCE ADDRESS | DIANE PLAUT DIAGEO NORTH AMERICA, INC. 801 MAIN AVE NORWALK, CT 06851-1127 |
| DOMESTIC REPRESENTATIVE | NONE |

CRÈME DE LYS

Trademark Snap Shot AAU Processing Stylesheet
 (Table presents the data on AAU Processing Complete)

OVERVIEW

| | | | |
|---------------|-------------|---------------|------------|
| SERIAL NUMBER | 85045359 | FILING DATE | 05/21/2010 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | KIM, JANICE | L.O ASSIGNED | 103 |

PUB INFORMATION

| | |
|----------------------|------------------------------|
| RUN DATE | 08/10/2010 |
| PUB DATE | N/A |
| STATUS | 680-APPROVED FOR PUBLICATION |
| STATUS DATE | 08/09/2010 |
| LITERAL MARK ELEMENT | CRÈME DE LYS |

| | | | |
|----------------|-----|--------------------|-----|
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | NO | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | NO | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | YES | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|---------------------------|
| STANDARD CHARACTER MARK | YES |
| LITERAL MARK ELEMENT | CRÈME DE LYS |
| MARK DRAWING CODE | 4-STANDARD CHARACTER MARK |

COLOR DRAWING FLAG

NO

CURRENT OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Diageo Chateau & Estate Wines Company |
| ADDRESS | 240 Gateway Road West Napa, CA 94558 |
| ENTITY | 03-CORPORATION |
| CITIZENSHIP | California |

GOODS AND SERVICES

| | |
|---------------------|----------------------------------|
| INTERNATIONAL CLASS | 033 |
| DESCRIPTION TEXT | Alcoholic beverages except beers |

GOODS AND SERVICES CLASSIFICATION

| | | | | | | | |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|
| INTERNATIONAL CLASS | 033 | FIRST USE DATE | 08/02/2010 | FIRST USE IN COMMERCE DATE | 08/02/2010 | CLASS STATUS | 6-ACTIVE |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|

MISCELLANEOUS INFORMATION/STATEMENTS

| | |
|------------------------|---|
| CHANGE IN REGISTRATION | NO |
| TRANSLATION | The English translation of CRÈME DE LYS in the mark is CREAM OF THE LILY. |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|--|---------|
| 08/10/2010 | AAUA | E | NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED | 016 |
| 08/09/2010 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 015 |
| 08/09/2010 | IUAA | P | USE AMENDMENT ACCEPTED | 014 |
| 08/07/2010 | AUPC | I | AMENDMENT TO USE PROCESSING COMPLETE | 013 |
| 08/07/2010 | IUAF | S | USE AMENDMENT FILED | 012 |
| 08/06/2010 | EAAU | I | TEAS AMENDMENT OF USE RECEIVED | 011 |
| 08/06/2010 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 010 |
| 08/06/2010 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 009 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 008 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 007 |

DCE015698

| | | | | |
|------------|------|---|---|-----|
| 07/12/2010 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 006 |
| 07/12/2010 | GNRT | F | NON-FINAL ACTION E-MAILED | 005 |
| 07/12/2010 | CNRT | R | NON-FINAL ACTION WRITTEN | 004 |
| 07/09/2010 | DOCK | D | ASSIGNED TO EXAMINER | 003 |
| 05/26/2010 | NWOS | I | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | 002 |
| 05/25/2010 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

Diana Plaut

CORRESPONDENCE ADDRESS

DIANE PLAUT
DIAGEO NORTH AMERICA, INC.
801 MAIN AVE
NORWALK, CT 06851-1127

DOMESTIC REPRESENTATIVE

NONE

CRÈME DE LYS

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, August 10, 2010 00:09 AM
To: trademarks@diageo.com
Subject: Trademark Serial Number 85045359 : Official USPTO Notice of Acceptance of Amendment to Allege Use

NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE

Serial Number: 85-045.359
Mark: CRÈME DE LYS(STANDARD CHARACTER MARK)
Owner: Diageo Chateau & Estate Wines Company
Reference Number:

The USPTO has accepted the Amendment to Allege Use (AAU) filed for the trademark application identified above as meeting the minimum requirements of 37 C.F.R. § 2.76(e). The application will be returned to the examining attorney for a substantive review of the AAU.

WARNING: The filing of the AAU does **not** relieve the applicant of the duty to file a response to any outstanding Office action or to take any other action required in the case, including filing a Notice of Appeal.

For further information, including information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

To check the status of an application, go to <http://tarr.uspto.gov/>.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

| | | | |
|---------------|-------------|---------------|------------|
| SERIAL NUMBER | 85045359 | FILING DATE | 05/21/2010 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | KIM, JANICE | L.O. ASSIGNED | 103 |

PUB INFORMATION

| | | | |
|----------------------|------------------------------|--------------------|-----|
| RUN DATE | 08/10/2010 | | |
| PUB DATE | N/A | | |
| STATUS | 680-APPROVED FOR PUBLICATION | | |
| STATUS DATE | 08/09/2010 | | |
| LITERAL MARK ELEMENT | CRÈME DE LYS | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | NO | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | NO | 1 (a) | YES | 1 (a) | NO |
| 1 (b) | YES | 1 (b) | NO | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|--------------|
| STANDARD CHARACTER MARK | YES |
| LITERAL MARK ELEMENT | CRÈME DE LYS |

| | |
|--------------------|---------------------------|
| MARK DRAWING CODE | 4-STANDARD CHARACTER MARK |
| COLOR DRAWING FLAG | NO |

CURRENT OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Diageo Chateau & Estate Wines Company |
| ADDRESS | 240 Gateway Road West Napa, CA 94558 |
| ENTITY | 03-CORPORATION |
| CITIZENSHIP | California |

GOODS AND SERVICES

| | |
|---------------------|----------------------------------|
| INTERNATIONAL CLASS | 033 |
| DESCRIPTION TEXT | Alcoholic beverages except beers |

GOODS AND SERVICES CLASSIFICATION

| | | | | | | | |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|
| INTERNATIONAL CLASS | 033 | FIRST USE DATE | 08/02/2010 | FIRST USE IN COMMERCE DATE | 08/02/2010 | CLASS STATUS | 6-ACTIVE |
|---------------------|-----|----------------|------------|----------------------------|------------|--------------|----------|

MISCELLANEOUS INFORMATION/STATEMENTS

| | |
|------------------------|---|
| CHANGE IN REGISTRATION | NO |
| TRANSLATION | The English translation of CRÉME DE LYS in the mark is CREAM OF THE LILY. |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|--|---------|
| 08/10/2010 | AAUA | E | NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED | 016 |
| 08/09/2010 | CNSA | O | APPROVED FOR PUB - PRINCIPAL REGISTER | 015 |
| 08/09/2010 | IUAA | P | USE AMENDMENT ACCEPTED | 014 |
| 08/07/2010 | AUPC | I | AMENDMENT TO USE PROCESSING COMPLETE | 013 |
| 08/07/2010 | IUAF | S | USE AMENDMENT FILED | 012 |
| 08/06/2010 | EAAU | I | TEAS AMENDMENT OF USE RECEIVED | 011 |
| 08/06/2010 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 010 |
| 08/06/2010 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 009 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 008 |

| | | | | |
|------------|------|---|---|-----|
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 007 |
| 07/12/2010 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 006 |
| 07/12/2010 | GNRT | F | NON-FINAL ACTION E-MAILED | 005 |
| 07/12/2010 | CNRT | R | NON-FINAL ACTION WRITTEN | 004 |
| 07/09/2010 | DOCK | D | ASSIGNED TO EXAMINER | 003 |
| 05/26/2010 | NWOS | I | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | 002 |
| 05/25/2010 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

Diana Plaut

CORRESPONDENCE ADDRESS

DIANE PLAUT
DIAGEO NORTH AMERICA, INC.
801 MAIN AVE
NORWALK, CT 06851-1127

DOMESTIC REPRESENTATIVE

NONE

CRÈME DE LYS

*** User:jkim4 ***

| # | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/ Search Duration | Search |
|----|----------------|---------------|------------------------|--------------------------|-------------------------------|--|
| 01 | 2601 | N/A | 0 | 0 | 0:06 | *{"ck"}re\$m*[bi,ti] not dead[ld] |
| 02 | 859 | N/A | 0 | 0 | 0:05 | *l{"iy"}lS{"iey"}*[bi,ti] not dead[ld] |
| 03 | 1 | 0 | 1 | 0 | 0:01 | 1 and 2 |
| 04 | 283 | 0 | 283 | 0 | 0:03 | 2 and "033"[cc] |

Session started 8/9/2010 10:53:08 AM

Session finished 8/9/2010 10:56:35 AM

Total search duration 0 minutes 15 seconds

Session duration 3 minutes 27 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 85045359

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

| | | | |
|---------------|-------------|---------------|------------|
| SERIAL NUMBER | 85045359 | FILING DATE | 05/21/2010 |
| REG NUMBER | 0000000 | REG DATE | N/A |
| REGISTER | PRINCIPAL | MARK TYPE | TRADEMARK |
| INTL REG # | N/A | INTL REG DATE | N/A |
| TM ATTORNEY | KIM, JANICE | L.O. ASSIGNED | 103 |

PUB INFORMATION

| | | | |
|----------------------|---|--------------------|-----|
| RUN DATE | 08/07/2010 | | |
| PUB DATE | N/A | | |
| STATUS | 661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED | | |
| STATUS DATE | 08/06/2010 | | |
| LITERAL MARK ELEMENT | CRÈME DE LYS | | |
| DATE ABANDONED | N/A | DATE CANCELLED | N/A |
| SECTION 2F | NO | SECTION 2F IN PART | NO |
| SECTION 8 | NO | SECTION 8 IN PART | NO |
| SECTION 15 | NO | REPUB 12C | N/A |
| RENEWAL FILED | NO | RENEWAL DATE | N/A |
| DATE AMEND REG | N/A | | |

FILING BASIS

| FILED BASIS | | CURRENT BASIS | | AMENDED BASIS | |
|-------------|-----|---------------|-----|---------------|----|
| 1 (a) | NO | 1 (a) | NO | 1 (a) | NO |
| 1 (b) | YES | 1 (b) | YES | 1 (b) | NO |
| 44D | NO | 44D | NO | 44D | NO |
| 44E | NO | 44E | NO | 44E | NO |
| 66A | NO | 66A | NO | | |
| NO BASIS | NO | NO BASIS | NO | | |

MARK DATA

| | |
|-------------------------|--------------|
| STANDARD CHARACTER MARK | YES |
| LITERAL MARK ELEMENT | CRÈME DE LYS |

| | |
|--------------------|---------------------------|
| MARK DRAWING CODE | 4-STANDARD CHARACTER MARK |
| COLOR DRAWING FLAG | NO |

CURRENT OWNER INFORMATION

| | |
|-------------|---|
| PARTY TYPE | 10-ORIGINAL APPLICANT |
| NAME | Diageo Chateau & Estate Wines Company |
| ADDRESS | 240 Gateway Road West Napa, CA 94558 |
| ENTITY | 03-CORPORATION |
| CITIZENSHIP | California |

GOODS AND SERVICES

| | |
|---------------------|----------------------------------|
| INTERNATIONAL CLASS | 033 |
| DESCRIPTION TEXT | Alcoholic beverages except beers |

GOODS AND SERVICES CLASSIFICATION

| | | | | | | | |
|---------------------|-----|----------------|------|----------------------------|------|--------------|----------|
| INTERNATIONAL CLASS | 033 | FIRST USE DATE | NONE | FIRST USE IN COMMERCE DATE | NONE | CLASS STATUS | 6-ACTIVE |
|---------------------|-----|----------------|------|----------------------------|------|--------------|----------|

MISCELLANEOUS INFORMATION/STATEMENTS

| | |
|------------------------|---|
| CHANGE IN REGISTRATION | NO |
| TRANSLATION | The English translation of CRÈME DE LYS in the mark is CREAM OF THE LILY. |

PROSECUTION HISTORY

| DATE | ENT CD | ENT TYPE | DESCRIPTION | ENT NUM |
|------------|--------|----------|--|---------|
| 08/06/2010 | TEME | I | TEAS/EMAIL CORRESPONDENCE ENTERED | 010 |
| 08/06/2010 | CRFA | I | CORRESPONDENCE RECEIVED IN LAW OFFICE | 009 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 008 |
| 08/06/2010 | TROA | I | TEAS RESPONSE TO OFFICE ACTION RECEIVED | 007 |
| 07/12/2010 | GNRN | O | NOTIFICATION OF NON-FINAL ACTION E-MAILED | 006 |
| 07/12/2010 | GNRT | F | NON-FINAL ACTION E-MAILED | 005 |
| 07/12/2010 | CNRT | R | NON-FINAL ACTION WRITTEN | 004 |
| 07/09/2010 | DOCK | D | ASSIGNED TO EXAMINER | 003 |
| 05/26/2010 | NWOS | I | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | 002 |

| | | | | |
|---|---|---|---------------------------------|-----|
| 05/25/2010 | NWAP | I | NEW APPLICATION ENTERED IN TRAM | 001 |
| CURRENT CORRESPONDENCE INFORMATION | | | | |
| ATTORNEY | Diane Plaut | | | |
| CORRESPONDENCE ADDRESS | DIANE PLAUT DIAGEO NORTH AMERICA, INC. 801 MAIN AVE NORWALK, CT 06851-1127 | | | |
| DOMESTIC REPRESENTATIVE | NONE | | | |

CRÈME DE LYS

The table below presents the data as entered.

DCE015711

| | |
|--|---|
| NUMBER OF CLASSES IN USE | 1 |
| SUBTOTAL AMOUNT [ALLEGATION OF USE FEE] | 100 |
| TOTAL AMOUNT | 100 |
| SIGNATURE SECTION | |
| DECLARATION SIGNATURE | /Diane Plaut/ |
| SIGNATORY'S NAME | Diane Plaut |
| SIGNATORY'S POSITION | Attorney of record, Connecticut bar member |
| DATE SIGNED | 08/06/2010 |
| FILING INFORMATION | |
| SUBMIT DATE | Fri Aug 06 08:51:31 EDT 2010 |
| TEAS STAMP | USPTO/AAU-65.214.33.174-2 0100806085131379405-85045 359-47027728568951f07baf1 834578998d269-DA-6325-201 00805165621162451 |

PTO Form 1553 (Rev. 9/2005)

OMB No. 0671-0064 (E.O. 09220-2011)

**Trademark/Service Mark Amendment to Allege Use
(15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

MARK: CRÈME DE LYS
SERIAL NUMBER: 85045359

The applicant, Diageo Chateau & Estate Wines Company, having an address of
240 Gateway Road West
Napa, California 94558
US

is submitting the following allegation of use information:

For International Class 033:

Current identification: Alcoholic beverages except beers

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 08/02/2010, and first used in commerce at least as early as 08/02/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) a photograph of the goods.

Specimen Filed

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

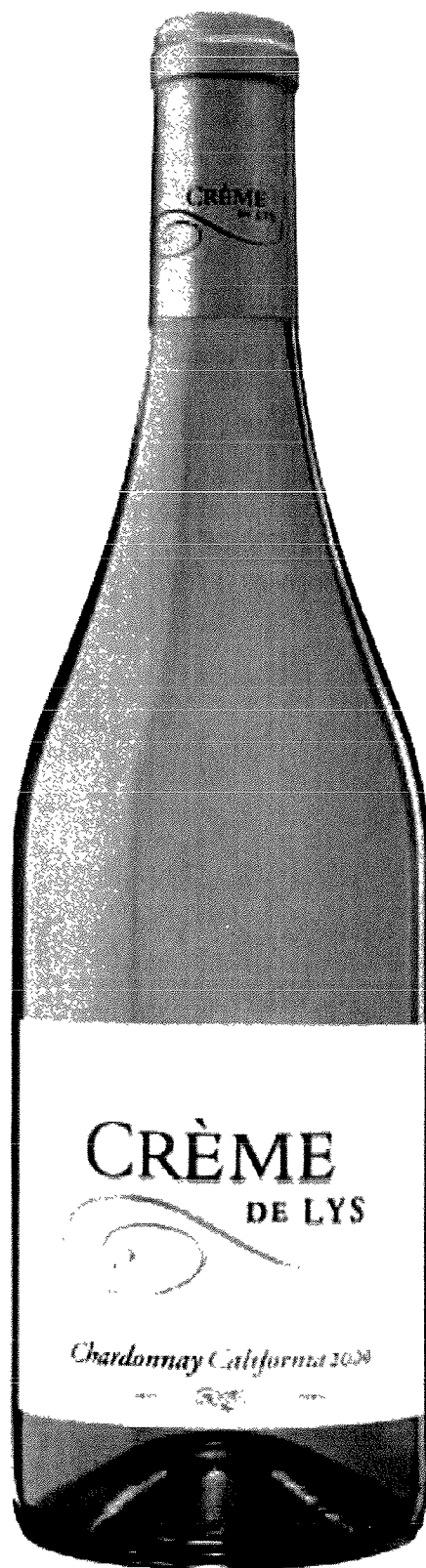
DCE015713

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Diane Plaut/ Date Signed: 08/06/2010
Signatory's Name: Diane Plaut
Signatory's Position: Attorney of record, Connecticut bar member

RAM Sale Number: 6325
RAM Accounting Date: 08/06/2010

Serial Number: 85045359
Internet Transmission Date: Fri Aug 06 08:51:31 EDT 2010
TEAS Stamp: USPTO/AAU-65.214.33.174-2010080608513137
9405-85045359-47027728568951f07baf183457
8998d269-DA-6325-20100805165621162451



PTO - 10/19/2010 10:55:09 EDT
 USPTO - 10/19/2010 10:55:09 EDT

Response to Office Action

The table below presents the data as entered.

| Input Field | Entered |
|-----------------------------------|--|
| SERIAL NUMBER | 85045359 |
| LAW OFFICE ASSIGNED | LAW OFFICE 103 |
| MARK SECTION (no change) | |
| PAYMENT SECTION | |
| NUMBER OF CLASSES | 1 |
| FEE PER CLASS | 50 |
| TOTAL FEES DUE | 50 |
| SIGNATURE SECTION | |
| RESPONSE SIGNATURE | /Diane Plaut/ |
| SIGNATORY'S NAME | Diane Plaut |
| SIGNATORY'S POSITION | Attorney of record, New York bar member |
| DATE SIGNED | 08/06/2010 |
| AUTHORIZED SIGNATORY | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Aug 06 10:55:09 EDT 2010 |
| TEAS STAMP | USPTO/ROA-65.214.33.174-2 0100806105509831467-85045 359-470fbc5f8f8b4909384d1 25f77566553186-DA-7236-20 100806105230219728 |

Response to Office Action

DCE015716

To the Commissioner for Trademarks:

Application serial no. **85045359** has been amended as follows:

FEE(S)

Fee(s) in the amount of \$50 is being submitted.

SIGNATURE(S)

Response Signature

Signature: /Diane Plaut/ Date: 08/06/2010

Signatory's Name: Diane Plaut

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

RAM Sale Number: 7236

RAM Accounting Date: 08/06/2010

Serial Number: 85045359

Internet Transmission Date: Fri Aug 06 10:55:09 EDT 2010

TEAS Stamp: USPTO/ROA-65.214.33.174-2010080610550983

1467-85045359-470fbc5f8f8b4909384d125f77

566553186-DA-7236-20100806105230219728

RAM SALE NUMBER: 7236
RAM ACCOUNTING DATE: 20100806

INTERNET TRANSMISSION DATE:
2010/08/06

SERIAL NUMBER:
85/045359

| Description | Fee Code | Transaction Date | Fee | Number Of Classes | Total Fees Paid |
|-------------|-------------|---------------------|-----|----------------------|--------------------|
| | 7008 | 2010/08/06 | 50 | 1 | 50 |

FILED: 08/06/2010 (08/06/2010)
 USPTO: 08/06/2010 (08/06/2010)

Response to Office Action

The table below presents the data as entered.

| Input Field | Entered |
|--------------------------------------|--|
| SERIAL NUMBER | 85045359 |
| LAW OFFICE ASSIGNED | LAW OFFICE 103 |
| MARK SECTION (no change) | |
| ARGUMENT(S) | In an office action dated July 12, 2010, the Examining Attorney advised that Applicant must submit an English translation of the mark. In response, Applicant submits that there is no precise meaning of this phrase; however, the literal translation is CREAM OF THE LILY, and the necessary translation statement is included below. |
| ADDITIONAL STATEMENTS SECTION | |
| TRANSLATION | The English translation of CRÈME DE LYS in the mark is CREAM OF THE LILY. |
| SIGNATURE SECTION | |
| DECLARATION SIGNATURE | The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> . |
| RESPONSE SIGNATURE | /Diane Plaut/ |
| SIGNATORY'S NAME | Diane Plaut |
| SIGNATORY'S POSITION | Attorney of record, New York bar member |
| DATE SIGNED | 08/06/2010 |
| AUTHORIZED SIGNATORY | YES |
| FILING INFORMATION SECTION | |
| SUBMIT DATE | Fri Aug 06 09:01:57 EDT 2010 |
| TEAS STAMP | USPTO/ROA-65.214.33.174-2 0100806090157547919-85045 359-4702cc26473d94153a734 2dd17bacd186af-N/A-N/A-20 100806085903374080 |

USPTO
02/04/14 09:01:57 EDT

**Response to Office Action
To the Commissioner for Trademarks:**

Application serial no. **85045359** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

In an office action dated July 12, 2010, the Examining Attorney advised that Applicant must submit an English translation of the mark. In response, Applicant submits that there is no precise meaning of this phrase; however, the literal translation is CREAM OF THE LILY, and the necessary translation statement is included below.

ADDITIONAL STATEMENTS

Translation

The English translation of CRÈME DE LYS in the mark is CREAM OF THE LILY.

SIGNATURE(S)

Declaration Signature

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

Response Signature

Signature: /Diane Plaut/ Date: 08/06/2010

Signatory's Name: Diane Plaut

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85045359

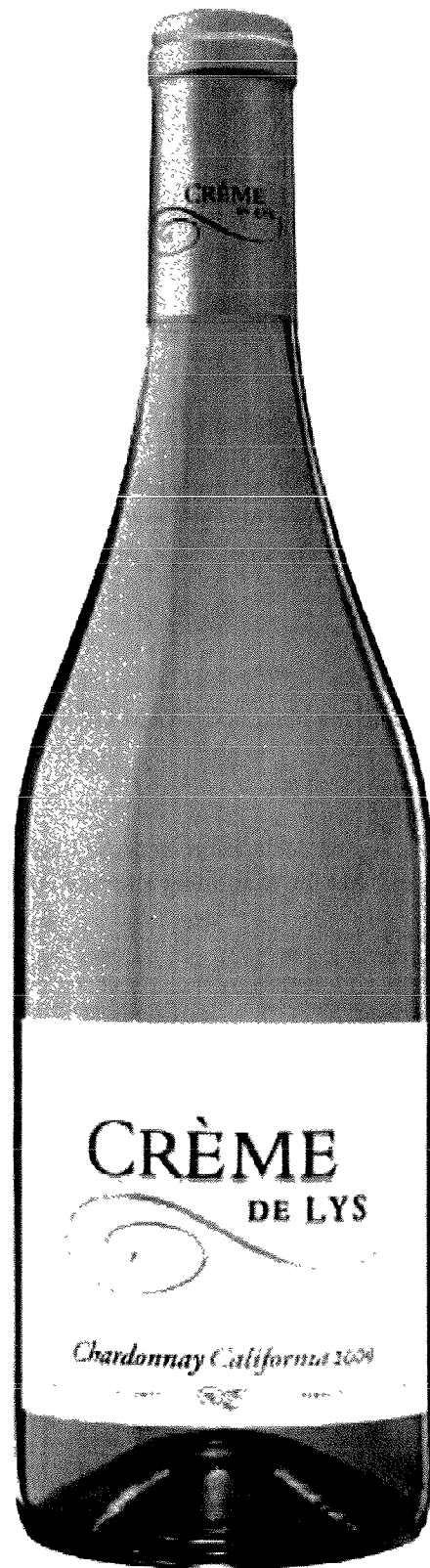
Internet Transmission Date: Fri Aug 06 09:01:57 EDT 2010

TEAS Stamp: USPTO/ROA-65.214.33.174-2010080609015754

7919-85045359-4702cc26473d94153a7342dd17

baed186af-N/A-N/A-20100806085903374080

DCE015720



To: Diageo Chateau & Estate Wines Company (trademarks@diageo.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85045359 - CRÈME DE LYS - N/A
Sent: 7/12/2010 4:28:52 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85045359

MARK: CRÈME DE LYS

85045359

CORRESPONDENT ADDRESS:

DIANE PLAUT
DIAGEO NORTH AMERICA, INC.
801 MAIN AVE
NORWALK, CT 06851-1127

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageD.htm>

APPLICANT: Diageo Chateau & Estate
Wines Company

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:

trademarks@diageo.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/12/2010

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus

applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SEARCH RESULTS

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

\$50 ADDITIONAL FEE REQUIRED

Applicant must submit an additional application processing fee of \$50 per class because the application as filed did not meet the TEAS Plus application filing requirements. See 37 C.F.R. §§2.6(a)(1)(iv), 2.22(a), (b); TMEP §§819.01 *et seq.*, 819.04. Specifically, the following application filing requirement(s) was not met: TRANSLATION OF FOREIGN WORDING IN THE MARK.

The additional fee is required even if applicant later corrects these application requirements.

TRANSLATION REQUIRED

Applicant must submit an English translation of the mark. 37 C.F.R. §2.32(a)(9); TMEP §809. The following translation statement is suggested: "The English translation of "CRÈME DE LYS" is _____." See TMEP §809.03.

/janice kim/
Trademark Examining Attorney
Law Office 103
Phone - (571)272-8869
Fax - (571)273-8869

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/mailling date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does

not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/cTEASpageE.htm>.

To: Diageo Chateau & Estate Wines Company (trademarks@diageo.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85045359 - CRÈME DE LYS - N/A
Sent: 7/12/2010 4:28:56 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION

Your trademark application (Serial No. 85045359) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 7/12/2010 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=85045359&doc_type=OOA&) <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact TDR@uspto.gov.

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 7/12/2010 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) [Response to Office Action form](#). If you have difficulty using TEAS, contact TEAS@uspto.gov.

ALERT:

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

*** User:jkim4 ***

| # | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/ Search Duration | Search |
|----|----------------|---------------|------------------------|--------------------------|-------------------------------|----------------------------------|
| 01 | 2591 | N/A | 0 | 0 | 0:06 | *{"ck"}reSm*[bi,ti] not dead[ld] |
| 02 | 447103 | N/A | 0 | 0 | 0:07 | *l{"icy"}*[bi,ti] not dead[ld] |
| 03 | 726 | N/A | 0 | 0 | 0:01 | 1 and 2 |
| 04 | 1547 | N/A | 0 | 0 | 0:02 | 1 and "033"[cc] |
| 05 | 503 | 0 | 503 | 0 | 0:02 | 3 and "033"[cc] |
| 06 | 4299 | N/A | 0 | 0 | 0:02 | de[bi,ti] and 2 |
| 07 | 2288 | N/A | 98 | 0 | 0:03 | 6 and "033"[cc] |
| 08 | 1102 | N/A | 931 | 0 | 0:03 | 6 and (a b 200 "032" "033")[ic] |
| 09 | 50 | N/A | 0 | 0 | T/0:06 | *l{"icy"}\$s*[bi,ti] and 6 |
| 10 | 3892 | N/A | 0 | 0 | 0:18 | *l{"icy"}\$s*[bi,ti] and 6 |
| 11 | 2100 | N/A | 0 | 0 | 0:03 | 10 and "033"[cc] |
| 12 | 1005 | 0 | 1005 | 0 | 0:03 | 10 and (a b 200 "032" "033")[ic] |

Session started 7/12/2010 2:10:22 PM

Session finished 7/12/2010 2:27:42 PM

Total search duration 0 minutes 56 seconds

Session duration 17 minutes 20 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 85045359

CRÈME DE LYS

FILED 11/13/2010 (2010)
 OMB-11-019 (Rev. 2-3-2010)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85045359

Filing Date: 05/21/2010

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

| Input Field | Entered |
|---|--|
| TEAS Plus | YES |
| MARK INFORMATION | |
| *MARK | CRÈME DE LYS |
| *STANDARD CHARACTERS | YES |
| USPTO-GENERATED IMAGE | YES |
| LITERAL ELEMENT | CRÈME DE LYS |
| *MARK STATEMENT | The mark consists of standard characters, without claim to any particular font, style, size, or color. |
| REGISTER | Principal |
| APPLICANT INFORMATION | |
| *OWNER OF MARK | Diageo Chateau & Estate Wines Company |
| *STREET | 240 Gateway Road West |
| *CITY | Napa |
| *STATE (Required for U.S. applicants) | California |
| *COUNTRY | United States |
| *ZIP/POSTAL CODE (Required for U.S. applicants only) | 94558 |
| LEGAL ENTITY INFORMATION | |
| *TYPE | CORPORATION |

DCE015728

| | |
|---|--|
| * STATE/COUNTRY OF INCORPORATION | California |
| GOODS AND/OR SERVICES AND BASIS INFORMATION | |
| *INTERNATIONAL CLASS | 033 |
| IDENTIFICATION | Alcoholic beverages except beers |
| *FILING BASIS | SECTION 1(b) |
| ADDITIONAL STATEMENTS INFORMATION | |
| *TRANSLATION (if applicable) | |
| *TRANSLITERATION (if applicable) | |
| *CLAIMED PRIOR REGISTRATION (if applicable) | |
| *CONSENT (NAME/LIKENESS) (if applicable) | |
| *CONCURRENT USE CLAIM (if applicable) | |
| ATTORNEY INFORMATION | |
| NAME | Diane Plaut |
| FIRM NAME | Diageo North America, Inc. |
| STREET | 801 Main Avenue |
| CITY | Norwalk |
| STATE | Connecticut |
| COUNTRY | United States |
| ZIP/POSTAL CODE | 06851 |
| PHONE | 203-229-2100 |
| FAX | 203-845-5925 |
| EMAIL ADDRESS | trademarks@diageo.com |
| AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| OTHER APPOINTED ATTORNEY | Dana Gilland, Evan Gourvitz, Lauren Mandell, Jennifer Millones |
| CORRESPONDENCE INFORMATION | |
| *NAME | Diane Plaut |
| FIRM NAME | Diageo North America, Inc. |

| | |
|---|---|
| *STREET | 801 Main Avenue |
| *CITY | Norwalk |
| *STATE (Required for U.S. applicants) | Connecticut |
| *COUNTRY | United States |
| *ZIP/POSTAL CODE | 06851 |
| PHONE | 203-229-2100 |
| FAX | 203-845-5925 |
| *EMAIL ADDRESS | trademarks@diageo.com |
| *AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| FEE INFORMATION | |
| NUMBER OF CLASSES | 1 |
| FEE PER CLASS | 275 |
| *TOTAL FEE PAID | 275 |
| SIGNATURE INFORMATION | |
| * SIGNATURE | /Diane Plaut/ |
| * SIGNATORY'S NAME | Diane Plaut |
| * SIGNATORY'S POSITION | Attorney of record, New York bar member |
| * DATE SIGNED | 05/21/2010 |

UNITED STATES DEPARTMENT OF COMMERCE
OFFICE OF SECRETARY FOR PATENT AND TRADEMARKS

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85045359

Filing Date: 05/21/2010

To the Commissioner for Trademarks:

MARK: CRÈME DE LYS (Standard Characters, see mark)

The literal element of the mark consists of CRÈME DE LYS.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Diageo Chateau & Estate Wines Company, a corporation of California, having an address of

240 Gateway Road West
Napa, California 94558
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 033: Alcoholic beverages except beers

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Diane Plaut and Dana Gilland, Evan Gourvitz, Lauren Mandell, Jennifer Millones of Diageo North America, Inc.

801 Main Avenue
Norwalk, Connecticut 06851
United States

The applicant's current Correspondence Information:

Diane Plaut
Diageo North America, Inc.
801 Main Avenue
Norwalk, Connecticut 06851

203-229-2100(phone)
203-845-5925(fax)
trademarks@diageo.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Diane Plaut/ Date Signed: 05/21/2010
Signatory's Name: Diane Plaut
Signatory's Position: Attorney of record, New York bar member

RAM Sale Number: 5517
RAM Accounting Date: 05/24/2010

Serial Number: 85045359
Internet Transmission Date: Fri May 21 17:47:06 EDT 2010
TEAS Stamp: USPTO/FTK-65.214.33.174-2010052117470665
6345-85045359-460fffd191bf4eb9d1ff8aa3ea
bb47bd36-DA-5517-20100521173129222106

CRÈME DE LYS